

REMARKS

Claims 1-23 are currently pending in the present application.

Applicant has amended independent claims 1, 14 and 23 for purpose of clarity to define certain aspects of the present invention. In particular, it is made clear that the registration card for use in accessing the photoservice provider is for use by the customer. In addition, it has been made clear that the software program is such that when loaded on a computer program accessible by the customers, will allow the customer to accomplish certain operations at the network photoservice provider with respect to images obtained from said image retaining device. The claims have also been amended to appropriately correspond to said unique ID in the second paragraph that was previously introduced in the preceding paragraph.

The Examiner rejected claims 1, 3-12 and 14-23 under 35 USC § 102(e) as being anticipated by Watanabe and has also rejected claim 2 under 35 USC § 103(a) as being unpatentable over Watanabe in view of well known prior art taken as Official Notice. The Examiner has also indicated the allowability of claim 13.

Applicant would first like to make it clear that the present invention is directed to a kit provided to a customer. Thus, the kit is something that is provided to a customer and includes very specific elements. In particular, the kit of independent claims 1, 14 and 23 include at least two of the three following items:

- (1) an image retaining device;
- (2) a registration card; and
- (3) a computer software program.

Thus, the claims directed to the kit include specific individual and separate distinct items that are provided to the customer. While Watanabe may teach the supplying of an image retaining device to a customer, it does not teach the remaining elements that are provided in the kit. In particular, there is no teaching or suggestion of providing a registration card and/or software computer program in the kit along with the image retaining devices taught and claimed by Applicant. On this basis alone, a rejection under 35 USC § 102(e) is inappropriate as in order to anticipate a claim, each and every element must be

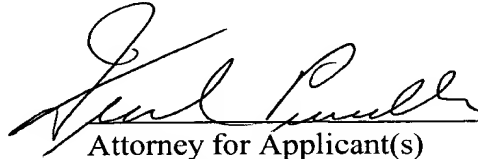
present in the cited document. Apparently the Examiner is relying on paragraphs 67 and 70 as a basis of illustrating use of a registration card. Paragraph 67 is directed to a situation where a viewer inputs user ID on a web page screen. Thus, this clearly could not be a card as this is something that is provided on a computer display screen. Thus, this is not part of a kit but something that is viewed at a web site. In the present invention, this is a kit that is physically provided to the customer that includes very specific items which include at least two of three items discussed above. Paragraph 70 of the Watanabe reference is simply directed to a network photograph service system where images can be shared electronically. There is no teaching or suggestion of providing a registration card physically to the user as taught and claimed by Applicant. Similarly, there is no teaching or suggestion in Watanabe of providing a software program as taught and claimed by Applicant. While Watanabe may teach and disclose use of a web page screen, it does not teach or suggest the providing of a kit as taught and claimed by Applicant.

Furthermore, the present invention teaches that the registration card is used for accessing the service provider for registering the unique ID prior to receipt of the image retaining device by said photoservice provider. This is clearly not taught or suggested by Watanabe. Thus, this provides further basis that the present invention can not be anticipated by the prior art. Furthermore, since the prior art does not teach or suggest the elements of the claimed invention, it could not render obvious the present invention. The registration card allows the customer of the present invention to register a specific image retaining device with the photoservice provider such that when the photoservice provider receives the images, it can be immediately associated using the unique ID. In addition, as set forth in various of the independent claims, the kit can be associated with particular goods or services to be provided to the customer. Here again, there is no teaching or suggestion of associating the preregistration of an image retaining device to be associated with particular goods or services upon receipt of the image retaining device. As previously discussed, the Watanabe reference is not directed to a kit nor does it teach the providing of a registration card. The Watanabe reference is simply directed to a system where images that have been stored on a service system can be grouped into different albums by remote customers. However, this reference is strictly dealing with images that have already been

provided to the service provider. Further, as previously discussed, there is no teaching or suggestion of providing a kit with the specific items of the present invention as taught and claimed by Applicant

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank Pincelli", written over a horizontal line.

Attorney for Applicant(s)
Registration No. 27,370

Frank Pincelli/phw
Rochester, NY 14650
Telephone: 585-588-2728
Facsimile: 585-477-4646